

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of PennsylvaniaCivil Division

Case No.

20-1545
(to be filled in by the Clerk's Office)Marvin "Running River" Banks

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

56th Novasel et al.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Marvin "Running River" Banks
Running River.
ND 5137
SCI Benner
301 institution Dr.
Bellefonte P.A. 16823
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Shield Number

Employer

Address

Sgt Navosel
sergent "Correctional officer."
~~SCI Benner~~ Department of Corrections
1920 Technology Parkway.
Mechanicsburg P.A. 17050
City State Zip Code
☒ Individual capacity ☒ Official capacity
14th Due process
14th equal protection

Defendant No. 2

Name

Job or Title (if known)

Shield Number

Employer

Address

C.O. Mr. Snyder.
Correctional officer. Security team
Department of Corrections.
1920 Technology Parkway.
Mechanicsburg P.A. 17050
City State Zip Code
☒ Individual capacity ☒ Official capacity
14th equal protection.
Due process
RLuipa.

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Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Sergeant Novosel 14th amendment Procedural Due Process and Equal Protections

Mr. C.O. Snyder 14th amendment Procedural Due Process and Equal Protections.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

They acted under color of state law because policy lays out the procedure in which any misconduct was to be sought and also the procedures for confiscated items and how to inquire about religious items. In which they failed to utilize

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

The events arose here at SLF Deener on G-A block at cell 251. on 2-22-20

C. What date and approximate time did the events giving rise to your claim(s) occur?

2-22-20

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Witness Timothy Francisco, NCB 114
 on that day Sgt Novosel after conducting a bag and wandering search while we were eating called me and informed me he had found a razor blade and a dead lighter in my cell he then stated he "observed a sign in my cell that read if you touch sacred items I'll sue" and informed me as a prisoner he could take my items because I'm not allowed a prayer after I said I didn't he then called CO Snyder whose on the security search team to come and look for any more razors CO Snyder calls me and cellmate up to do cell search as we are there watching Sgt Novosel enters the cell and tells CO Snyder to take all his Native Items I'm tired of him I was then transferred to the cell search persisted and found upon my release from the Refu All my items were gone from my property and there was no records of what items were taken by CO Snyder by policy I was not suppose to be placed in the hole

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I had a mental breakdown where I was a temptation to commit suicide and was placed in a protective observation cell.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want the court to have the officers fired and to pay \$50,000 apiece. to return my items and require the D.O.C to not touch sacred items again and to visually inspect in the presence of our Chaplain, which will respect the least restrictive means clause of the Religious land use and institutionalized personact.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

GLI Bennu

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

In the jail. I filed 2 grievances but it was all the same incident.

2. What did you claim in your grievance?

that I was put in the RHM illegally without One Pass and that C.O. Snyder illegally stole my religious items. without giving receipt

3. What was the result, if any?

Send all the way to the final stage

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appeals all the way up.



04/21/2020 08:32

Sgt Novasels

Final Appeal Decision Dismissal

Secretary's Office of Inmate Grievances & Appeals
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

FB

Inmate Name:	BANKS, MARVIN	DOC #:	ND5137
SCI Filed:	Benner Township	Current SCI:	Benner Township
Grievance #:	855336		

This serves to acknowledge receipt of your appeal to final review for the grievance identified above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, this Office has reviewed all documents provided as part of the grievance record. Upon consideration of the entire record, it is the decision of this office to dismiss your appeal to final review due to a failure to comply with the provisions of the DC-ADM 804, as specified below.

Decision: Dismiss

Your grievance was properly rejected at the facility level for the reason(s) outlined below.

Rationale:

- Grievances related to Inmate Discipline/Misconduct Procedures shall be handled according to Policy DC-ADM 801 and shall not be reviewed by the Facility Grievance Coordinator.

Response:

This office finds your grievance was properly rejected. Therefore, your appeal to this office is dismissed.

Signature:	<i>D. Varner</i>
Name:	D. Varner
Title:	Chief Grievance Officer
Date:	4/21/20

cc: DC-15/Superintendent - Benner Township
Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-G

Issued: 1/26/2016 Effective: 2/16/2016

ND5137 Grievance #: 855336

BANKS, MARVIN



04/21/2020 08:22

C.O. Smyer *

Final Appeal Decision Dismissal

Secretary's Office of Inmate Grievances & Appeals
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

FB

Inmate Name:	BANKS, MARVIN	DOC #:	ND5137
SCI Filed:	Benner Township	Current SCI:	Benner Township
Grievance #:	855221		

This serves to acknowledge receipt of your appeal to final review for the grievance identified above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, this Office has reviewed all documents provided as part of the grievance record. Upon consideration of the entire record, it is the decision of this office to dismiss your appeal to final review due to a failure to comply with the provisions of the DC-ADM 804, as specified below.

Decision: Dismiss

Your grievance was properly rejected at the facility level for the reason(s) outlined below.

Rationale:

- You have not provided this Office with required and/or legible documentation for proper review.

Response:

Your grievance was not filed in accordance with DOC policy DC-ADM 804. Instead of resubmitting your grievance with the required documents, you chose to appeal directly to the Facility Manager.

Signature:	
Name:	D. Varner
Title:	Chief Grievance Officer
Date:	4/21/20

cc: DC-15/Superintendent - Benner Township
Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-G

Issued: 1/26/2016 Effective: 2/16/2016

ND5137 Grievance #:855221

BANKS, MARVIN

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

filed

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

filed two separate grievances but
this two incidents are the same incidents

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? *NO*

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

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IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8-19-20

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Marrin Banks
Marrin Banks NO 5137
NO 5137
SLC Benner 301 institution DC
Bellefonte PA 16823
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

None

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

I owe 120\$ to this prison

DECLARATION: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

8-19-20

Date

Marvin Banks

Applicant's signature

Marvin "RR" Banks

Printed name

AUTHORIZATION: I understand that the filing fee for this civil complaint is \$350.00, and that I am obligated to pay the full filing fee regardless of the outcome of the proceedings.

I request and authorize the agency holding me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in the amount specified by 28 U.S.C. § 1915(b)(2).

This Authorization shall apply to any other agency into whose custody I may be transferred.

8-19-20

Date

Marvin "RR" Banks

Applicant's signature

Marvin "RR" Banks

Printed name

Inmate Accounts

CERTIFICATION OF PRISONER'S INSTITUTIONAL ACCOUNT BALANCE: An authorized prison official must complete the certification below and furnish a certified copy of your institutional account statement showing all deposits, withdrawals, and balances for the prior six-month period, to be filed with this application.

I certify that the prisoner named herein has the sum of \$ 06⁰⁰ on account at Benner Township correctional institution, where he is presently confined.

I further certify that during the prior six-month period, the prisoner's average monthly account balance was \$ 12.21; and that the average amount deposited monthly in the account during the prior six-month period was \$ 96.00.

Donna M. Scott

Accounting Assistant
SCI Benner Township

8-14-2020

Date

IN THE United States District Court
For The Middle District of Pennsylvania.

Marvin "Running River" Banks
Plaintiff

civil NO.

V.

Sgt. Novosel
C.O. Snyder.
Defendants

Jury Trial Demanded.

Complaint

AND NOW, comes Plaintiff, Marvin "RR" Banks, by and through his pro se status, hereby filing this Complaint against the Defendants, Sgt Novosel and C.O. Snyder and in support thereof alleges as follows:

1. Preliminary Statement

- 1 This action arises out of violations of civil rights of Marvin Running River Banks a Native American prisoner ("Mr. Banks")
- 2 Defendants Sgt. Novosel and C.O. ^{Mr.} Snyder ^{-security} (collectively, Defendants") Discriminated against Mr. Banks leading to the illegal Seizing of his Religious Items and the False imprisonment of his person without Due process. For both failed to follow the ^{Prison} ~~Inmate handbook~~ ^{Page 35} Policy on procedure to be followed for both of their acts See Uzzell v. Scully, 893 F. Supp. 259, 263 n.10 (S.D.N.Y. 1995) see Village of Willowbrook v. Olech, 528 U.S. 562, 564, 120 S. Ct. 1073, 1074, 145 L.Ed. 2d 1060, 1063 (2000) no rational for treatment which violated equal protections.

4. Misconducts are disposed of by either an informal resolution meeting with your Unit Manager or a formal hearing conducted by the Hearing Examiner. The misconduct charges eligible for informal resolutions are Class I charges #'s 35 through 46, and all Class II charges.
5. For an informal resolution, the Unit Manager/designee and at least one other member of the Unit Management Team will meet with you for disposition of the charges within seven working days, excluding weekends and state holidays. The reporting staff member is not required to attend the meeting.
6. If you refuse to attend the informal resolution meeting, the Unit Manager will return the misconduct report to the Shift Commander and it will be forwarded to a Hearing Examiner for a formal hearing. If the misconduct report is handled formally, a Hearing Examiner will conduct the hearing.
7. You are expected to attend the misconduct hearing. If you refuse to attend, you will be asked to sign a waiver advising you that you have a right to a hearing but you may waive that right. If you refuse to attend the hearing or sign a waiver, two staff members who witness the refusal will sign the waiver from and the hearing will be held without your presence. The Hearing Examiner will determine guilt or innocence, and a sanction will be imposed if you are found guilty. You may not appeal the results of a hearing you refuse to attend.
8. If you become disruptive at the hearing or refuse to follow the instructions given by the Hearing Examiner, you will be removed and the hearing will be conducted without you being present.
9. In cases when it is apparent that you are unable to collect and present evidence effectively on your own behalf, assistance will be permitted. You must be unable to understand the English language or be unable to read or understand the charges and/or the evidence to have assistance.
10. If you are physically or mentally unable to participate in a hearing, the Hearing Examiner will postpone the hearing until you are able to participate. The decision to postpone a hearing for one of these reasons will be in writing and will be made at the time the hearing would have been held.
11. In misconducts involving financial loss or cost because of your behavior, the Hearing Examiner may impose costs against you for replacement or repair of items.
12. The Hearing Examiner may dismiss any misconduct charge without prejudice, to permit recharge without deciding if you are guilty or innocent.
13. If you are found guilty of an alcohol or drug-related misconduct, the Hearing Examiner will complete a **Drug-Related Misconduct Form** and give you a copy. This form will serve as your notice that you were found guilty of a misconduct for dealing, possessing, or using (including by urinalysis or refusal to submit to urinalysis) illegal drugs, un-prescribed drugs, controlled substances and/or drug paraphernalia and that you will be prohibited from having contact visits for the period specified below.

1st offense – 180 days

2nd offense – 360 days

3rd offense – indefinitely

new
was
given
over

note is 36

3. Prior to your release to parole supervision or to a Community Corrections Center, the facility will provide a record of payments made, remaining account balances of any court ordered restitution, and/or other court related financial obligations to the Board of Probation and Parole or the Regional Office of Community Corrections.

4. Certain inmates are required to pay a fee to the Crime Victims Compensation Fund. The amount of the fee varies depending upon the date the crime was committed, and the amount specified in the Sentencing Order. Your counselor will advise you of the amount owed.

5. If you are released at the expiration of your maximum sentence, the business office will provide a record of payments and remaining account balances of any court ordered restitution or other court related financial obligations to the county collection agency designated by the court order.

C. Copying Charges

You may have documents copied but you must pay for them. The cost for copies of information contained in your inmate file and your medical file is different. See the DC-ADM 003, "Release of Information."

D. Private Business

You are not permitted to incorporate or engage actively in a business or profession while under the supervision of the Department. If you engaged in a business or profession prior to your incarceration, you must assign authority for the operation of the business or profession to a person in the community. Even though you have turned over the operation of a business or profession to another person, there may be an occasional need for a decision substantially affecting the assets or prospects of the business. The Facility Manager may, upon request from you, authorize a special visit for such extraordinary occasions. Conducting a business or profession, except as noted below, will subject you to a misconduct. There are exceptions:

1. if you are un-sentenced, you may continue to control your business or profession if it does not place undue burden on the facility;
2. if you are in a Work Release Program, you may engage in a private business or profession, as part of your Work Release Program, if it does not place undue burden on the facility; and
3. if you are transferred to a Community Corrections Center, you may engage in a private business or profession as part of your community-based program.

II. Daily Operations

A. Identification Cards

Each inmate is issued an Identification Card (I.D.). You must carry your I.D. card at all times, other than to/from the showers. You must show your I.D. card, and give your name and number to any employee who asks for it. You should keep your I.D. card in good condition; it is used for commissary and other activities. Lost, destroyed, or damaged I.D. cards must be replaced immediately; the cost will be charged to your account. You must obtain a new I.D. at your expense when there is a significant change in your physical appearance, weight gain/loss, growing/shaving facial hair, etc. The cost of the new I.D. card will be determined at the time you receive it.

B. Pass System

You must have a signed pass when you go from one part of the facility to another. The only exception is group movement such as meals, recreation, work lines, etc. You must use the shortest route to go from point to point without delay. If you do not use the shortest route, you may be issued a misconduct for being in an unauthorized area. A staff member must sign the pass at the beginning and end of the movement. You must show your pass and I.D. to any employee who asks for them.

C. Request Slips

A DC-135A, Inmate's Request to Staff Member is used to ask for information, interviews, or other things from staff members. This form is available on the housing unit. You must use a request slip to arrange a time to speak with staff concerning specific issues. The form has space for you to state the nature of your request. Be sure to write clearly and fill in all the sections at the top of the request slip. Any use of UCC references along with your signature could result in your correspondence or request slips being returned. In most cases, staff will respond to your request slip within five working days.

D. Searches of Inmates and Cells (DC-ADM 203)

1. Your cell may be searched as part of a general search, randomly selected, or as part of an investigation. During a cell search, precautions are taken to avoid damage to items in the cell. Any item that is contraband or evidence of a crime or misconduct will be confiscated. You will be given a confiscation slip for any item that is removed.
2. If you have excessive personal property in your cell, you may choose to have these items (excluding food items) destroyed or mailed to someone (you must pay the shipping cost). You are not permitted to ship items that are contraband.
3. Confiscated money will be deposited in the Inmate General Welfare Fund (IGWF).
4. Excessive state-issued items will be confiscated; you may be issued a misconduct if the items have been altered or are unusable. A confiscation slip will only be used for non-state issued items and for those that are the subject of a misconduct.
5. You may be present when your cell is searched unless the ranking officer conducting the search determines that your presence would be a threat to staff or other inmates and/or the security of the facility; if the search is being conducted under emergency conditions; or if your presence will impair an ongoing investigation of criminal activity or violation of facility rules.
6. A random search of your cell may be conducted at any time but no later than one hour after the facility is locked up for the evening.
7. Before the search, an Officer will notify you that your cell has been randomly chosen and you will be given the option of remaining during the search. You will be asked to sign a form to show that you were present during the search or if you choose not to be present. If you refuse to sign the form, the officer will note your refusal on the record.
8. Your cell may be searched as part of an investigation when there is reasonable suspicion that you or your cellmate are concealing contraband, are involved in criminal activity, or involved in an activity that could threaten the security of the facility.

9. Your cell may be scanned by an electronic drug detection device or drug dogs for narcotics. This may be done without you being present.
10. Your cell will also be inspected for health/safety, and security reasons. A security inspection is conducted to check things such as doors, windows, bars, electrical fixtures, and plumbing. Your personal property will not be searched or disturbed during a security inspection except to the extent necessary to gain access to the things to be checked. Your presence is not required during a security inspection.
11. You may be searched at any time and in any area of the facility. Staff of either gender may conduct a pat search. Pat searches will be conducted in a professional manner. During a pat searched, you must:
 - a. remove all items from your pockets and place them on a suitable surface;
 - b. stand still with your feet apart and arms extended outward, palms up; and
 - c. follow the directions given by the staff member conducting the search.
12. You may be strip searched, when necessary, for the security and safe operation of the facility. You will be strip searched:
 - a. upon reception;
 - b. before and after every contact visit;
 - c. when leaving the facility grounds and upon your return;
 - d. following activities where you have the opportunity to mingle with outside groups, particularly where there are large numbers of people under minimal supervision;
 - e. periodically if you are permitted to move in and out of the gate areas;
 - f. when there is reason to believe that you are involved in an escape plot or in possession of contraband;
 - g. when you enter or leave any restricted area;
 - h. when you are admitted to, or discharged from, a Level 5 Housing Unit and/or;
 - i. before and after being transported outside the secure perimeter.
13. Strip searches will, whenever possible, be conducted in an area separate from other inmates for privacy and to limit embarrassment. Unless it is an emergency, a staff member of your gender will conduct the strip search. The staff person conducting the search will avoid touching you except as required to control you, if necessary.
14. Strip searches will be conducted in a professional manner. When you are strip searched, you must:
 - a. remove all items from your pockets and place them on suitable surface;
 - b. remove all your clothing;
 - c. stand still with your feet apart and arms extended outward, palms up; and
 - d. follow the direction given by searching staff member.
15. A body cavity search may be conducted when there is reasonable belief that you are concealing contraband inside your body. A body cavity search may be authorized by the Facility Manager/designee when it has been determined that there is imminent danger to your health or to facility security or safety.

E. Facility Management

1. The Facility Manager is in charge of the security, programs, and activities of the facility.

2. There are at least two Deputy Superintendents at each DOC facility. The Deputy Superintendent for Facilities Management (DSFM) is in charge of Unit Management and facility security. The Deputy Superintendent for Centralized Services (DSCS) is responsible for medical and mental health care, Correctional Industries, education, activities, and food services.
3. There is at least one Major at each facility. The Major supervises all facility Corrections Officers and the Unit Management Teams assigned to each housing unit. At facilities with two Majors, these responsibilities are shared between the Majors.
4. The Corrections Classification and Program Manager (CCPM) is responsible for inmate records, activities, volunteers, religious programs, inmate employment, and treatment programs.

F. Resolution of Problems

1. Problems on your housing unit should first be directed to a Corrections Officer on the Unit. If the Officer cannot resolve the issue, you should bring the problem to the attention of your counselor or Unit Manager. If the issue is not resolved at that level, it should be brought to the attention of the Shift Commander, then the Major.
2. Your counselor is the first person to discuss treatment matters with. Your counselor can also help you with program changes, pre-parole matters, and personal problems.
3. Problems with your work assignment should be directed to your work supervisor.
4. Problems with academic/vocational education should be directed to the School Principal.

G. Abuse Allegations (DC-ADM 001)

1. The Department does not permit any inmate to be subjected to abuse. All allegations of abuse are thoroughly investigated. Abuse includes:
 - a. the use of excessive force upon you;
 - b. an occurrence of an unwarranted life-threatening act against you;
 - c. a verbal or written threat to inflict physical injury directed toward you; and/or
 - d. sexual contact.
2. Excluded from being reported as abuse in this subsection are:
 - a. conditions of confinement;
 - b. claims of inadequate medical or intentionally denied medical care; and
 - c. harassment or nonperformance of duty by a staff member.
3. Allegations of abuse may concern:
 - a. persons who are employed by the Department;
 - b. inmates;
 - c. persons having business with or using the resources of the Department; and/or
 - d. persons attempting, establishing, or maintaining contact with inmates.
4. If you are a victim of abuse, you need to report the abuse:

Case 1:20-cv-01545-SHR-EB Document 1 Filed 08/27/20 Page 21 of 53
3. Sgt Nowels' arrest violates Plaintiffs 14th amendment ^{procedural} due process right
also The Equal protection clause Sandin v. Conner, 515 U.S. 472, 483-84
115 S. Ct. 2293, 2300, 132 L. Ed. 2d 418, 429-30

Citing Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963
41 L. Ed. 2d 935 (1974).
see also Uzzell v. Sullivan, 893 F. Supp. 259, 263 n.10 (S.D.N.Y. 1995) and ^{Jamete handbook} page 35

• CO Snyder's confiscation of Religious Items Violates the 14th amendment
equal protections against discrimination and Religious Land use and institutionalized
persons act for he failed to find the (least restrictive means)
in respecting my religious beliefs. also ^{and wasn't there for that} 14th amendment procedural due
process because this officer never made a call to see if there was
any concerns with the religious items and he failed to give
Plaintiff a receipt. which is stated in the D.O.C policy ~~De ADM 203~~
see D.O.C policy (DC-ADM 203) searches of inmates cells ^{handbook page 4} because I was not present for the cell search.

II. Jurisdiction and venue

4. This court has subject matter jurisdiction over this case.
Pursuant to 42 U.S.C § 1983, 28, U.S.C § 1331

5. The events given rise to this complaint took place
at Pennsylvania State Correctional Institution Bermer Township here
in Bellefonte Pennsylvania, within the Middle district of
Pennsylvania and venue is proper in this court pursuant to
28 U.S.C. § 1391(b).

6. This action is ripe for review because Mr. Banks has
been placed in the RHU for a misconduct that by the
Department's policy states he was not supposed to be
placed in the RHU also Mr. Banks's Religious Items are
in the states possession illegally.

7. Mr. Banks has exhausted all administrative remedies to this
matter.

Parties

8. Mr. Banks is a person of Native American descent.
9. Mr. Banks is currently incarcerated at SCI-Banner and has been incarcerated at this facility at all times relevant to this action.
10. Mr. Banks ~~is~~ suffers from various mental illnesses.
11. Plaintiff has been raised since birth Native American. Is the leader of American Indian Movement Pennsylvania chapter.
12. Defendant Sgt. Novosel is employed by the Pennsylvania Department of Corrections (the "DOC") as correctional officer Sergeant. At all relevant times Novosel acted under color of state law, and is sued in his individual and official capacities.
13. Defendant C.O. Snyder is employed by the (D.O.C.) as a correctional officer. at all relevant times. C.O. Snyder acted under color of state law. C.O. Snyder is sued in his individual capacity.

IV. Factual Allegations

14. Mr. Banks is an inmate at SCI-Banner.
15. Mr. Banks is a sincere believer in, and practitioner of traditional Native American Religion.
16. Mr. Banks's right to practice Native American religion and to be free from discrimination, life, liberty, limb, and property are guaranteed by the United States Constitution and other Federal laws.
17. Defendants are obligated by the 14th amendment to follow any procedures regarding the care and duty for inmates.
18. Native American religious items are sacred and should never be touched. But officer Snyder not only touched but confiscated all religious items.

19. presently inmates at SCI beaver who follow traditional ways are permitted to wear Sacred Medicine bags that the officers understand or not to be touched but only visually inspected.

20. Inmates at SCI beaver who practice other mainstream religions are afforded ~~more opportunities~~ protections like the christian cross that my cell mate posses during the time of the cell search. The same christian cross made of 2 sharp copper blades that are considered contraband that C.O Snyder did not touch.

21. on 4-1-19 I was written up for the same misconduct that Sgt Novosel charged me with on 2-22-20 charge # 36 possession of contraband ~~where~~ I possessed open razor blades and other contraband with out extraordinary circumstance which is stated in D.O.C policy ~~in this~~ issue back in 4-1-19 contraband was only revoked and no monetary debts were issued for the other contraband also no RHU time was given because by policy this misconduct is only a informal but strangely Sergeant Novosel's incident which was exactly the same as the incident in 4-1-19 was handled maliciously different. (see exhibit A for comparison on informal process)

22. to place Plaintiff in the RHU for this misconduct indeed violates the 14th amendment

V. Chims for Relief

Count 1. 14th amendment Procedural due process

23. Defendants has collectively violated the 14th amendment Due Process when Sgt Novosel did not have any extraordinary circumstance to have me placed in the RHU and no Due Process before a decision was given. Also having C.O. Snyder come and confiscate my religious items while I wasn't there and not giving me

24. A reasonable person especially ones who are professionals held to the professional boundaries established by the correctional officer's academy should have known that 1. Placing me in the RHU for an open Razar with no extraordinary circumstances violated my 14th amendment procedural Due process right and then to have Officer Snyder remove my Religious Items in which he was not even suppose to touch without giving me a confiscation slip indeed violate my due process rights and clearly shows discriminatory incident which also violates the 14th amendment equal protections clause for they knew I was Native American And as both defendants had agreed upon that they were enquote "Tired of ME."

25. Therefore Defendants have intentionally, recklessly and callously deprived Mr. Banks of his Due process rights and 14th amendment equal protection right and are liable to Mr. Banks under 42 U.S.C. § 1983.

Count III Violation of the Religious Land use and Institutionalized Persons act (RLUIPA).

26. Congress enacted RLUIPA "to grant heightened protection to prisoners from burdens imposed by the government," Washington V. Glenn, 497 F.3d 272, 276 (3rd Cir. 2007)

27. Section 3 of RLUIPA provides "No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution" unless the government establishes that the burden is "in furtherance of a compelling governmental interest" and is "the least restrictive means of furthering that interest" 42 U.S.C. § 2000 cc 1(a).

28-C.O. Snyder's Confiscation of my religious Items was a violation of ~~Religion~~ and substantially burdened my ~~least restrictive~~ religious Beliefs, practices, and traditions, and was done without a compelling government interest because the items were authorized by the chapel and were either given to me by the creator or from my congregation during a taton-giveaway ceremony. The religious Items were not concerns of safety security health of the institution and also was not at all the least restrictive means for this officer did not call my chaplain to assist in the visual inspection of my sacred items which lead to them being violated by his hands and my religious belief of no touching, infringed upon given they weren't hiding any contraband but were still taken.

VI. Request Relief

wherefore, Plaintiff Maron "Running River" Bands respectfully request judgment as follows:

1. The defendant be Fired.
2. And both pay me \$50,000 apiece.
3. All my Items are returned
4. A policy is to be created that reminds them never to touch Native American or any other group's sacred items. but only to visually inspect them in the presence of the faith leader to protect the least restrictive means of Religion.

5, Such addition and further relief as
the Court deems just and equitable.

respectfully submitted.

Marvin Running River Banks

Marvin Banks #ND5137

SGT Benner

301 institution Dr.

Bellevue PA. 16823

Marvin Banks

~~SGT~~ 8/19-20


Order

It is now ordered _____

Certificate of Service

I hereby certify that on this date
a true and correct copy of complaint
was sent to clerk of court

On 8-~~18~~²³-20


R. R. Banks

Exhibit

A

D.O.C policies DC-ADM 203
established procedure for cell searches
in which C.O. Snyder violated,

and D.O.C policy on misconduct DC-ADM-801
in which SGT Novosel violated their own policy.
And false and illegally filed misconduct report
of SGT Novosel who has an extensive history
in this prison for illegal conduct not limited to
discrimination on gender / and sexual advances on
the inmate population.

II. Daily Operations

A. Identification Cards

Each inmate is issued an Identification Card (I.D.). You must carry your I.D. card at all times, other than to/from the showers. You must show your I.D. card, and give your name and number to any employee who asks for it. You should keep your I.D. card in good condition; it is used for commissary and other activities. Lost, destroyed, or damaged I.D. cards must be replaced immediately; the cost will be charged to your account. You must obtain a new I.D. at your expense when there is a significant change in your physical appearance, weight gain/loss, growing/shaving facial hair, etc. The cost of the new I.D. card will be determined at the time you receive it.

B. Pass System

You must have a signed pass when you go from one part of the facility to another. The only exception is group movement such as meals, recreation, work lines, etc. You must use the shortest route to go from point to point without delay. If you do not use the shortest route, you may be issued a misconduct for being in an unauthorized area. A staff member must sign the pass at the beginning and end of the movement. You must show your pass and I.D. to any employee who asks for them.

C. Request Slips

A DC-135A, **Inmate's Request to Staff Member** is used to ask for information, interviews, or other things from staff members. This form is available on the housing unit. You must use a request slip to arrange a time to speak with staff concerning specific issues. The form has space for you to state the nature of your request. Be sure to write clearly and fill in all the sections at the top of the request slip. Any use of UCC references along with your signature could result in your correspondence or request slips being returned. In most cases, staff will respond to your request slip within five working days.

D. Searches of Inmates and Cells (DC-ADM 203)

1. Your cell may be searched as part of a general search, randomly selected, or as part of an investigation. During a cell search, precautions are taken to avoid damage to items in the cell. Any item that is contraband or evidence of a crime or misconduct will be confiscated. You will be given a confiscation slip for any item that is removed. *I was not*
2. If you have excessive personal property in your cell, you may choose to have these items (excluding food items) destroyed or mailed to someone (you must pay the shipping cost). You are not permitted to ship items that are contraband.
3. Confiscated money will be deposited in the Inmate General Welfare Fund (IGWF).
4. Excessive state issued items will be confiscated; you may be issued a misconduct if the items have been altered or are unusable. A confiscation slip will only be used for non-state issued items and for those that are the subject of a misconduct.
5. You may be present when your cell is searched unless: the ranking officer conducting the search determines that your presence would be a threat to staff or other inmates and/or the security of the facility; if the search is being conducted under emergency conditions; or if your presence will impair an ongoing investigation of criminal activity or violation of facility rules.

6. A random search of your cell may be conducted at any time, but no later than one hour after the facility is locked up for the evening.
7. Before the search, an officer will notify you that your cell has been randomly chosen and you will be given the option of remaining during the search. You will be asked to sign a form to show that you were present during the search or if you choose not to be present. If you refuse to sign the form, the officer will note your refusal on the record.
8. Your cell may be searched as part of an investigation when there is reasonable suspicion that you or your cellmate are concealing contraband, are involved in criminal activity, or involved in an activity that could threaten the security of the facility.
9. Your cell may be scanned by an electronic drug detection device or drug dogs for narcotics. This may be done without you being present.
10. Your cell will also be inspected for health, safety, and security reasons. A security inspection is conducted to check things such as doors, windows, bars, electrical fixtures, and plumbing. Your personal property will not be searched or disturbed during a security inspection except to the extent necessary to gain access to the things to be checked. Your presence is not required during a security inspection.
11. You may be searched at any time and in any area of the facility. Staff of either gender may conduct a pat search of a male inmate. Unless it is an emergency, pat searches of female inmates will be conducted by female staff. Pat searches will be conducted in a professional manner. During a pat search, you must:
 - a. remove all items from your pockets and place them on a suitable surface;
 - b. stand still with your feet apart and arms extended outward, palms upward; and
 - c. follow the directions given by the staff member conducting the search.
12. You may be strip searched, when necessary, for the security and safe operation of the facility. You will be strip searched:
 - a. upon reception;
 - b. before and after every contact visit;
 - c. when leaving the facility grounds and upon your return;
 - d. following activities where you have the opportunity to mingle with outside groups, particularly where there are large numbers of people under minimal supervision;
 - e. periodically if you are permitted to move in and out of the gate areas;
 - f. when there is reason to believe that you are involved in an escape plot or in possession of contraband;
 - g. when you enter or leave any restricted area;
 - h. when you are admitted to, or discharged from, a Level 5 Housing Unit;
 - i. prior to placement in a Psychiatric Observation Cell (POC); and/or
 - j. before and after being transported outside the secure perimeter.
13. Strip searches will, whenever possible, be conducted in an area separate from other inmates for privacy and to limit embarrassment. Unless it is an emergency, a staff member of your gender will conduct the strip search. Transgender or intersex inmates will be searched by a staff member consistent with the gender of inmates housed at that facility. The staff person conducting the search will avoid touching you except as required to control you, if necessary.

D. Contraband

1. You may not have any item in your possession, or under your control, that was not issued to you by the Department, purchased by you through the commissary, and/or otherwise approved for you by the facility.
2. If you become aware of contraband anywhere within the facility or on the grounds, you must report it immediately to a staff member.
3. Contraband includes, but is not limited to:
 - a. weapon, gun, firearm, or ammunition;
 - b. unauthorized explosive, corrosive, or flammable material;
 - c. unauthorized tool, or a tool not under the direct supervision of a staff member;
 - d. cash currency;
 - e. credit/charge card(s) or credit/charge card application forms;
 - f. item(s) not issued through approved channels;
 - g. stamps and pre-paid envelopes sent to the facility from the outside;
 - h. publication(s) that advocate and assist in filing bogus or fraudulent Uniform Commercial Code (UCC) liens;
 - i. forms that may be used in the fraudulent filing of UCC claims and/or publications that promote this practice;
 - j. fraudulent IRS tax returns and/or IRS or state income tax forms that may be used in the fraudulent filing of tax returns;
 - k. items not approved for mail delivery or not approved for a visitor to introduce;
 - l. obscene materials or materials depicting nudity, in accordance with **DC-ADM 803**;
 - m. gang-related materials, literature, photographs, graffiti, etc.;
 - n. civilian clothing and/or non-authorized colored t-shirts;
 - o. property belonging to another inmate; *in which smyler gave me a radio that was not mine*
 - p. implement(s) of escape;
 - q. any item used to indicate gang affiliation;
 - r. personal items or valuables whose ownership cannot be determined;
 - s. three dimensional art objects;
 - t. personal property in excess of the allowable limits (items such as televisions, typewriters, radios, jewelry, etc., which are of value must be disposed of in accordance with established state guidelines and procedures);
 - u. perishables (excessive amounts), intoxicating beverages, intoxicants, or materials used in fermentation;
 - v. expired prescribed medications and non-prescribed medications, expired over-the-counter medications, and prescribed medication removed from its original packaging (blister pack) and not consumed immediately by the inmate;
 - w. controlled substances as defined by the **Controlled Substance, Drug, Device and Cosmetics Act, 35 Pa. C.S.A. §780-101 (April 14, 1972, P.L. 233, no. 64)** and drug paraphernalia;
 - x. bodily fluids and hazardous wastes;
 - y. cell phones, wireless handheld data devices, cameras, DVD players, memory cards, and recording devices of any type;
 - z. any article specifically prohibited by state or federal statute, Department policy, or regulation; and
 - aa. any item that can reasonably be used to facilitate a crime or misconduct.

E. Outside Purchases

1. You are permitted to purchase certain approved items from approved vendors. Only items listed in **DC-ADM 815** may be purchased.
2. Items available in the commissary must be purchased from the commissary. Approved non-consumable items that are not stocked in the commissary may be approved for outside purchase.
3. Religious items are purchased in accordance with **DC-ADM 815** and **DC-ADM 819**, "**Religious Activities**" and with the permission of the FCPD.
4. All purchases must be approved before the item is received by the facility. You must submit a **DC-815A, Outside Purchase Approval Form** to request an outside purchase. All requests for outside purchase must be reviewed by a designated facility official, who may approve or disapprove the request. Approval of the **DC-815A** is conditional. Final approval is made upon inspection when the item is received. You are limited to one outside purchase order per month.
5. You must have the funds to make an outside purchase in your personal account at the time of request. The funds needed for your purchase will be set-aside at the time the order is processed. Credit and layaway purchases are not permitted.
6. Return of items will be at your expense. Non-returnable items are considered contraband.
7. You must pay all costs associated with outside purchases including taxes, postage, and delivery charges. The facility may refuse to accept any outside purchase item for which postage or any other money is due or for which the request was not properly processed.
8. Only items shipped directly from a permitted vendor to the facility will be accepted and all packages must be addressed to you. The address on the package must contain your committed name, your Department number, and the complete address of the facility in which you are housed. The vendor or store name and return address must be clearly shown on the outside of the package. No handwritten labels, business cards, or store receipts will be accepted. Packages not meeting these requirements will be sent back to the vendor or store as undeliverable and without the facility assuming any responsibility for the package. The facility may decline to accept any package that is not properly addressed.
9. The only exceptions are packages containing personal clothing for parole. These packages must be clearly marked "Parole Clothes" and sent within 30 days of your release date.
10. All packages delivered to the facility will be opened and searched. If contraband is found, the package will be confiscated and it may be returned to the sender or held for evidence. Any money concealed in a package received by the facility is contraband and will be deposited in the IGWF. Promotional gifts received with an outside purchase, which are determined to be contraband, will be mailed home at your expense, or destroyed.
11. Each electronic device will be tested to ensure it works. After the device is tested and you accept it, it will be engraved to mark your name and number. This is to establish ownership during searches and/or if an item is reported stolen. All electronic devices will be searched for contraband and the tops of all screws used in the item will be painted in order to detect tampering.

14. When the signal is given for a count, you must immediately stand by your cell door or bunk, with the light on, so you are clearly visible to the officer taking the count. You must remain silent during count. If it is necessary to take a recount, you must go through the same procedure. When count is completed, you will be notified by an announcement. Counts taken after evening lockup will be silent counts and, except for you being visible to staff, the above does not apply.
15. Earphones must be used with personal radio, televisions, and electronic musical instruments at all times unless otherwise approved by the facility. These items may not be carried from place to place while playing.
16. All trash must be put in the trashcans or containers provided.
17. No pets are allowed, except as permitted for the Prison Pup Program.
18. Shower facilities and clothing are provided for you, and you are expected to maintain acceptable personal hygiene, be neatly dressed, and conscious of your personal hygiene at all times. If personal cleanliness (failure on your part to keep clean) becomes a problem, staff members will notify you and you are required to correct the situation. If you refuse, you may be issued a misconduct.
19. Fire drills are conducted on a regular basis. When a drill is announced, exit the housing unit in a quiet, orderly manner as directed by staff. Failure to participate will result in a misconduct.
20. Tampering with Life Safety devices such as sprinkler heads, smoke and/or heat detectors, pull stations, and associated equipment will be considered a felony and prosecuted as such.
21. Fire load reduction: Combustible materials will be limited to only approved items as outlined in the **DC-ADM 815** and this publication.

D. Misconducts (DC-ADM 801)

1. If you break a Department or facility rule, you may be issued a misconduct. All rule violations are reported on a **DC-141, Misconduct Report, Part I**. The misconduct report is used to give you notice of the rule violations with which you have been charged and report the facts of the charges. The report will be used as evidence against you during the formal misconduct hearing or informal resolution meeting. A list of the misconduct charges can be found in this handbook.
2. In the case of a formal misconduct, you will be given a copy of the **DC-141** the same day as it is written. If you are not given a copy the same day the report is written, the Shift Commander/designee must determine why the report was not given to you and indicate the reason on the misconduct report.
3. If the misconduct charge is of a serious nature, the Shift Commander may place you in pre-hearing confinement in the Restricted Housing Unit until you have a hearing. If you are placed in pre-hearing confinement, the Facility Manager/designee will review your placement within 72 hours.

4. Misconducts are disposed of by either an informal resolution meeting with your Unit Manager or a formal hearing conducted by the Hearing Examiner. The misconduct charges eligible for informal resolutions are Class I charges #s 35 through 46, and all Class II charges. If the inmate is a Youthful Offender (under the age of 18) or carried on the active MH/ID Roster and

mine # 36 why was I

See misc on next page

put in the hole

- (the misconduct is non-violent in nature (i.e., misconduct charges #26 to #53) the Shift Commander will refer the misconduct for informal resolution absent any extraordinary circumstances.
5. For an informal resolution, the Unit Manager/designee and at least one other member of the Unit Management Team will meet with you for disposition of the charges within seven working days, excluding weekends and state holidays. The reporting staff member is not required to attend the meeting.
 6. If you refuse to attend the informal resolution meeting, the Unit Manager will return the misconduct report to the Shift Commander and it will be forwarded to a Hearing Examiner for a formal hearing. If the misconduct report is handled formally, a Hearing Examiner will conduct the hearing.
 7. You are expected to attend the misconduct hearing. If you refuse to attend, you will be asked to sign a waiver advising you that you have a right to a hearing but you may waive that right. If you refuse to attend the hearing or sign a waiver, two staff members who witness the refusal will sign the waiver form and the hearing will be held without your presence. The Hearing Examiner will determine guilt or innocence, and a sanction will be imposed if you are found guilty. You may not appeal the results of a hearing you refuse to attend.
 8. If you become disruptive at the hearing or refuse to follow the instructions given by the Hearing Examiner, you will be removed and the hearing will be conducted without you being present.
 9. In cases when it is apparent that you are unable to collect and present evidence effectively on your own behalf, assistance will be permitted. You must be unable to understand the English language or be unable to read or understand the charges and/or the evidence to have assistance.
 10. If in the opinion of the Hearing Examiner, you are unable to participate in a hearing, the Hearing Examiner will postpone the hearing until you are able to participate. The decision to postpone a hearing for one of these reasons will be in writing and will be made at the time the hearing would have been held.
 11. An inmate with a serious mental illness (SMI) may be assisted in preparing for a misconduct hearing by a Certified Peer Specialist as part of the Certified Peer Specialist's duties. The assigned Certified Peer Specialist will have no connection with the underlying facts of the misconduct and cannot be called as a witness in the underlying case.
 12. In misconducts involving financial loss or cost because of your behavior, the Hearing Examiner may impose costs against you for replacement or repair of items.
 13. The Hearing Examiner may dismiss any misconduct charge without prejudice, to permit recharge without deciding if you are guilty or innocent.
 14. If you are found guilty of a drug-related misconduct, the Hearing Examiner will complete a **Drug-Related Misconduct Form** and give you a copy. This form will serve as your notice that you were found guilty of a misconduct for dealing, possessing, or using (including by urinalysis or refusal to submit to urinalysis) illegal drugs, non-prescribed drugs, controlled substances and/or drug paraphernalia and that you will be prohibited from having contact visits for the period specified below.

Form DC-141 Part 1
Rev. 12/2017COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

D 351977

☒ MISCONDUCT REPORT ☐ OTHER ☐ DC-ADM 801 INFORMAL RESOLUTION

DC Number ND5137	Name Banks, Marvin	Institution SCI BEN	Incident Time 24 Hr. Base 1740	Incident Date 2/22/2020	Date of Report 2/22/2020
Quarters G-A-2051	Place of Incident G-A 2051				

OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)

DC Number	Name	I	W	DC Number	Name	I	W
NC8117	Francisco		X				
STAFF	CO1 Snyder, N.		X				

MISCONDUCT CHARGE OR OTHER ACTION

#36 Possession of contraband

STAFF MEMBER'S VERSION

On 2/22/2020 at 1740 hours while conducting a bar and window check on G-A-2051 which houses inmate (ND5137) Banks, Marvin and inmate (NC8117) Francisco, Timothy I discovered 1 altered orange razor missing the handle and some of the housing was removed to expose the razorblade this could be used as a weapon, a piece of a razor blade with no other pieces accounted for, and a lighter located on the top of the left cabinet. There was also two full green razors in the cell, one belonging to each inmate. When asked inmate (NC8117) Banks took ownership of the items located on top of the left cabinet. The search team could not find any other other pieces of the partial razor in G-A-2051. EOR

not was so this
is merely speculation
and considered culpatory evidence

CIR # C418961

IMMEDIATE ACTION TAKEN AND REASON

Misconduct Warranted, I/m informed, I/m placed in the SL5HU pending disposition of H.R.X. I/m placed in SL5HU due to seriousness of the report. I/m placed in POC prior to issuing this report 2-24-20 I/m moved to SL5HU and issued the report.

PRE-HEARING CONFINEMENT		
	IF YES	
<input checked="" type="checkbox"/> YES	TIME	DATE
<input type="checkbox"/> NO	1930	2-22-2020

☒ REQUEST FOR WITNESSES AND REPRESENTATION☒ INMATE'S VERSIONREPORTING STAFF MEMBER
SIGNATURE AND TITLE

COII J NOVOSSEL

ACTION REVIEWED AND APPROVED BY
RANKING C.O. ON DUTY SIGNATURE AND TITLE

m.d. Carr Luciano

DATE AND TIME INMATE GIVEN COPY

DATE 2-24-20 TIME 24 HOUR BASE 1740

Signature of Person Serving Notice

YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER
DATE TIME

2/24/2020 0800

MISCONDUCT CATEGORY

☒ CLASS 1 ☐ CLASS 2

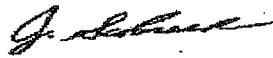
Notice to Inmate

You are scheduled for a hearing on the allegation on the date and time indicated or as soon thereafter as possible. You may remain silent if you wish. Anything you say shall be used against you both at the misconduct hearing and in a court of law, if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you shall be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have shall be revoked.

WHITE - DC-15

YELLOW - Inmate

PINK - Reporting Staff Member

DC-141, Part 2(B) DISCIPLINARY HEARING REPORT		COMMONWEALTH OF PENNSYLVANIA Department of Corrections			
DC Number ND5137	Name Banks, M.	Facility BEN	Hearing Date 2/27/20	Hearing Time 0935	No. from Part 1 D351977
INMATE <input checked="" type="checkbox"/> Guilty PLEA <input type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other		VERDICT <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		
HEARING ACTION					
CHARGES #36		Video Hearing			
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p>I/M pleads GUILTY to charge #36.</p> <p>HEX accepts I/M's GUILTY plea to charge #36.</p> <p>GUILTY #36 - 21 days DC Effective 2/22/20</p> <p style="margin-left: 400px;"><i>was not suppose to get 21 days hole time was only. Suppose to get cell restriction on the block.</i></p>					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen.			1-C Inmate Version 2-A SEE APPENDICES <i>JS</i>
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	The circumstances of the charge have been read and fully explained to the inmate.			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	The opportunity to have the inmate's version reported as part of the record was given.			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.			
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED) J. Schneck			Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.  SIGNATURE OF HEARING EXAMINER/COORDINATOR		

WHITE - DC-15 YELLOW - Inmate Cited PINK - Staff Member Reporting Misconduct
GOLDENROD - Deputy Facility Manager

Exhibit B

Old misconducts involving loose razor
blade in which the procedure Informal process
was followed no hole time Received this
Shows discrimination and is not equal to
the set procedure. and the incident at question.


Informal

old

~~10-11-19~~

FORM DC-141 PART II B		COMMONWEALTH OF PENNSYLVANIA			
DISCIPLINARY HEARING REPORT		DEPARTMENT OF CORRECTIONS			
DC Number ND5137	Name Banks	Institution SCI- BEN	Hearing Date 10 MAY 19	Hearing Time 0830	No. from PART I D143110
INMATE PLEA	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		
CHARGES #35		HEARING ACTION Video Hearing			
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p>Inmate pleads guilty to #35 Hex accepts guilty to #35.</p> <p>MS RHU TIME</p> <p>Guilty #35 - Perore Contraband - Rep/ware</p>					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The inmate has heard the decision and has been told the reason for it and what will happen. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The circumstances of the charge have been read and fully explained to the inmate. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The opportunity to have the inmate's version reported as part of the record was given. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.					SEE APPENDICES <input checked="" type="checkbox"/> Initials Version IC
NAME(S) OF HEARING EXAMINER/COMMITTEE Mr. Szelewski		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices. Szelewski			

HA 261-1

FORM DC-141 PART II B		COMMONWEALTH OF PENNSYLVANIA			
DISCIPLINARY HEARING REPORT		DEPARTMENT OF CORRECTIONS			
DC Number ND5137	Name Banks	Institution SCI- BEN	Hearing Date 16 April 19	Hearing Time 0847	No. from PART I D358704
INMATE PLEA	<input checked="" type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict		
			<input checked="" type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty		
CHARGES		HEARING ACTION			
# 38		# 36 # 45			
		Video Hearing			
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p>Inmate pleads guilty to # 36</p> <p>Her accepts guilty to # 36.</p> <p>Cellie took ownership of Items and paid</p> <p>- Banks no "medicine bag" confiscated from Banks why it was also seen to be altered</p> <p>But they never took my medicine bag that was also altered to those standards and never took my Christian crosses</p> <p>(Guilty #36 - Revoke Contraband - Reduce to class II)</p> <p>they only took other all native items.</p> <p>Dismiss # 38 # 45</p>					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The inmate has heard the decision and has been told the reason for it and what will happen. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The circumstances of the charge have been read and fully explained to the inmate. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The opportunity to have the inmate's version reported as part of the record was given. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.					SEE APPENDICES CIR dc velson Witness
NAME(S) OF HEARING EXAMINER/COMMITTEE		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.			
Mr. Szelewski					

logged (w/ep) old example

Form DC-141 Part 1 Rev. 12/2017		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS		D 350704	
<input checked="" type="checkbox"/> MISCONDUCT REPORT		<input type="checkbox"/> OTHER		<input checked="" type="checkbox"/> DC-ADM 801 INFORMAL RESOLUTION <i>informal resolution</i>	
DC Number ND 5137	Name Marvin Banks	Institution SCI BEN	Incident Time 24 Hr. Base 1000	Incident Date 4/1/2019	Date of Report 4/2/2019
Quarters HA-147	Place of Incident HA 147				
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)					
DC Number	Name	I	W	DC Number	Name
LJ6020	Lingenfelter <i>aka young wolf who is not in also</i>		X	CO1 Goss	
MISCONDUCT CHARGE OR OTHER ACTION					
Class 1 #38 Destroying, altering, tampering with, or damaging property					
Class 1 #36 Possession of contraband class one #45 failure to report contraband					
STAFF MEMBER'S VERSION					
On the above date and time this officer was conducting an investigative cell search in Cell H A 1047 housing inmates Banks (ND 5137 and Lingenfelter LJ 6020. During the search this officer found multiple items made from altered state property that inmate banks claimed ownership of. Items were constructed from a state sheet, state boots, a state coat, 1 knit hat, state pants and one pair of boots that was not claimed by either inmate, however the tounge was cut off the boots, and each inmate had a medicine bag made from the tounge of a boot. Why do but they take the medicine bags. Please assess inmate Banks for items as follow: 1 state sheet \$6.50, 1 pair of state boots \$33.00, one pair of state issue pants \$12.50 Winter coat \$41.75. Inmate Banks also admitted ownership of a pair of loose razor blades.					
CIR: 6954903/6954904					
NO medicine bag was put in the contraband slip. we still have them.					
Informal Resolution. (w/ep)					
IMMEDIATE ACTION TAKEN AND REASON <i>Request Waived. Inmate to remain on present status until said by his attorney for removal. Inmate to remain on present status until said by his attorney for removal. Inmate to remain on present status until said by his attorney for removal.</i>					
PRE-HEARING CONFINEMENT		FORMS GIVEN TO INMATE			
<input type="checkbox"/> YES	IF YES	<input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input checked="" type="checkbox"/> INMATE'S VERSION			
<input checked="" type="checkbox"/> NO	TIME DATE				
REPORTING STAFF MEMBER SIGNATURE AND TITLE B. Musselman CO1		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY SIGNATURE AND TITLE K. Struble (Houmberg) ALCAP		DATE AND TIME INMATE GIVEN COPY DATE 4/1/19 TIME 24 HOUR BASE 1500	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE TIME 4-12-19 0800		MISCONDUCT CATEGORY <input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2		Signature of Person Serving Notice K. Struble	
Notice to Inmate					
You are scheduled for a hearing on the allegation on the date and time indicated or as soon thereafter as possible. You may remain silent if you wish. Anything you say shall be used against you both at the misconduct hearing and in a court of law, if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you shall be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have shall be revoked.					
WHITE - DC-15		YELLOW - Inmate		PINK - Reporting Staff Member	

notice no medicine bag
like it clearly states were made
from boots I still have this item.

pe
in
als
the
my
only

Item(s) Confiscated	Disposition	Item(s) Confiscated	Disposition
1.1 - Paper Altered *	HELD	2.2 Loose Paper Shards	HELD
3.3 - Altered Rings *	HELD	4.1 Altered piece of bone not covered by inmate	HELD
5.1 - Altered part brush *	HELD	6.	
7.1 - Altered pants	HELD	8.	
9.1 - Altered work	HELD	10.	

☐ **Uniform Commercial Code (UCC) and Paper Terrorism Materials**

UCC and related material will be confiscated and will not be subject to a disposition other than return to the inmate, destruction or forwarding to the Chief of Security or Chief Counsel's Office. Upon confiscation, the inmate has 15 days to file a grievance, in accordance with DC-ADM 804, "Inmate Grievance Procedure."

Signature and Title of *Staff Member* Confiscating the Item(s)

Signature and Title of *Staff Member* Disposing the Item(s)

White - DC-15

Yellow - Deputy Superintendent for Facilities Management

Pink - Inmate

Exhibit C

my last cry for help involving
this issue and the Department of Corrections
Did nothing to help,



pennsylvania
DEPARTMENT OF CORRECTIONS

TO Marvin Banks, ND5137
SCI Benner Township

FROM Wayne Inniss
Staff Assistant, Eastern Region

DATE April 30, 2020

RE **Correspondence**

236
FB
they did nothing I complained
to the D.O.C. because I felt
someth

I am writing in response to your correspondence addressed to Deputy Secretary Ferguson. Your correspondence has been referred to me for review and response. need to be

Mr. Banks, our records indicate that the matters of your property and the staff that you allege involvement were addressed in depth and in detail through the responses to grievance #855221. Our records also indicate that you have appealed these matters to the final level of appeal. I get love from

Therefore, these specific matters are no longer grievable issues. do not

By copy of your letter and this response, SCI Benner Township Administrative Staff will be apprised of the matters about which you wrote. I trust that this response has adequately addressed your concerns. have my

TF/wi

cc: Superintendent Marsh
ausouthard #2020-C43-000000134
Eastern File
File

religious
Items

Exhibit D

1-of-2 signs not to touch
Sacred Items. This is
what prevented the whole mistreatment.

copy lot 10
sent to Governor
ADMINO, PROSE, PRSLC

Law Suit
Please do not
touch

United States District Court
Middle District of Pennsylvania (Scranton)
CIVIL DOCKET FOR CASE #: 3:19-cv-00427-ARC-PT

Native Items.

Banks v. Smith et al
Assigned to: Honorable A. Richard Caputo
Referred to: Pro Se Law Clerk PT
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/11/2019
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Marvin Banks

represented by Marvin Banks

ND-5137
SCI - BENNER
SPECIAL MAIL - OPEN ONLY IN
THE PRESENCE OF THE INMATE
301 Institution Drive
Bellefonte, PA 16823
PRO SE

V.

Defendant

Terry Smith

Defendant

Michael Wenesowicz

Defendant

John E. Wetzel

Defendant

Superintendent Marsh

Defendant

Chaplain Matthew McCoy

Defendant

C.O. 1B Musslemen
individual capacity

Defendant

Lt. Stavolla
in his individual capacity

Defendant

C.O. Gross

I removed
Felt sad for
him

long now
5-21-19
K-A

still considering

~~Tured Weiss~~
~~NO 9147~~
~~FB-151~~

Don't touch native
Items I'm sure
your policy is wrong
see FBP
policy

Exhibit E

Shows C.O. Snyder had no legitimit reason
 for confiscating my religious Items in which
 he claims were homemade wich violates
 RLUIPA For Everything Native Americans
 have are to be Natral from the creator of
 handmade so he has substantially burdened
 that Religious practice. But ~~states~~ he
 was doing his job if so why would
 he give me A radio in my possession
 that doesnt belong to me then he only
 takes my Native American Items but leaves
 me my muslim prayer rug that was a gift
 radio seen on the popote sheet attached
 belonging to inmate # ND 8916 radio number
 B454092017
 both engraved on radio.

Exhibit F

Shows that My Native American Rights
have been violated in the past thru
B on going with the Security team
Violates Religious Land Use Institutionalized Persons Act
and 14th amendment Equal protection
~~14th amendment Free exercise of religion~~
~~but these are not my interests~~
~~in this court matter~~

I want send this to my lawyer for court
 If you settle with what I asked for.

copy of:

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER my lawyer information is attached		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Superintendent Marsh	2. Date: 4-5-19	H	
3. By: (Print Inmate Name and Number) Marvin Banks Marvin Banks Inmate Signature	4. Counselor's Name: M. M.	response from 4-2-19 they evaluated altered	
6. Work Assignment:	5. Unit Manager's Name: M.S. U	<div style="border: 2px solid black; padding: 5px; transform: rotate(-5deg);"> RECEIVED APR 05 2019 Superintendent's Office </div>	
7. Housing Assignment: H-1-147	8. Subject: State your request completely but briefly. Give details. Mr. Marsh on Tuesday 4-2-19 I was targeted and discriminated against solely because I am native American and I write to many grievances so I guess my Native man did a investigation of search on my cell that was ordered by Lt. Stawick and took altered religious items then took my altered religious Native - head bands, pipes, rugs, and shoes destroyed my prayer robe but they left the altered christian crosses that I make for people who don't they take them also on top of that they left all my cell damage		
9. Response: (This Section for Staff Response Only) Marvin - I believe you assigned your own question - altered items are indeed concerning and can be configured as they're not			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	
STAFF MEMBER NAME		DATE	

before you respond

I already know what policy says about altered material it's not allowed but I want to know what they took the altered Native stuff and how the altered christian stuff
 7.2.1, Counseling Services Procedures Manual - Section 3, Request Slips
 I want a tablet, TV, and some snacks
 I have

from

This happened to shake me up because
the lawsuit was filed it was never about
marijuana they never used

CC 1043

Sent to lawyers H

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONSFOR OFFICIAL USE
794829
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: <u>SCI Berwyn</u>	DATE: <u>4-2-19</u>
FROM: (INMATE NAME & NUMBER) <u>Marvin Banks NO5137</u>	SIGNATURE OF INMATE: <u>Marvin Banks</u>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: <u>H-A-147-01</u>	

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.

Today this Tuesday Co. 1 9955 and Co. 1 Muslim men did an investigative cell search on my cell for some reason they claimed to have taken my Rugs off ^{it} commissary with native drawings on them saying they were altered ~~but~~ along with headbands and other sacred objects of mine like the destruction of my Prayer altar which they were not suppose to touch and instead should have asked me to dismantle it I feel this is a show of discrimination retaliation because they claim to have taken items because they were altered but they left me with an altered blanket, altered, sheet 2 altered headbands altered shirts and ~~a~~ altered brown pants and pillow I would like my sacred

B. List actions taken and staff you have contacted, before submitting this grievance.

I had someone contact my lawyers which the doc and Lt Stallone know I would they all know I have them I've sent numerous amounts of paper work and I talked to Lt. Stallone.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return Copy

Note they didn't take my cellmate's altered headbands they only took mine
see confession slips

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 1 - Grievances & Initial Review

Issued: 1/26/2016

RECEIVED

Attachment 1-A

APR 04 2019

Exhibit G.

This piece of evidence shows discrimination and feels back the curtain on intentional intent of C.O. Snyder who mysteriously removed/ confiscated all of my religious items associated with my Native American heritage. but Allowed contraband associated in my cell that is cristian related thus illegal cross made from 2 "Sharp" coffer blades belongs to my ~~cell~~ then cell mate Timothy Francisco. A white male. and was left untouched which leaves no justification for his malicious acts.

EXHIBIT G

COULD NOT BE SCANNED OR IMAGED

CROSS MADE OUT OF RAZOR BLADES

Cristian cross that they did not
touch or even take which they should
of because it was contraband
violates 14th amendment

Declaration.

7-8-20

Declaration of Kenneth Lyons

I was found in possession of loose razor blades on 6-6-20 and it was not put in the RHV. The blades were only confiscated so far Mr. Banks to have been placed in the RHV for loose razor blades is unfair and shows the CO's had it out for him.

Kenneth Lyons